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September 9th, 2019

Dear Honourable Minister Downey:

Re: Legal Aid Modernization Project 2019

I am writing on behalf of Centre for Immigrant and Community Services (CICS), which is a not-for-profit organization with a vision to empower immigrants in settling and integrating as contributing members of Canadian society through diverse, professional and innovative services. Our mission is to enable immigrants to fully integrate, participate and contribute to all spheres of Canadian Society.

Our organization has had a long-standing partnership with legal clinics, such as the Chinese and Southeast Asian Legal Clinic (CSALC). Given the vulnerability of the populations that we serve, our staff routinely refers clients to clinics for legal advice and representation. Over the years, CSALC has assisted women fleeing domestic violence, tenants facing eviction due to unscrupulous landlords, and workers who are exploited and underpaid, among others.

As the Ministry and Legal Aid Ontario (LAO) embark on the modernization of legal aid, we urge the Ministry and LAO to respect the foundational principles of the clinic model and work together with clinics to preserve the clinic model as a way to deliver poverty law service. We also firmly support an independent agency like LAO to deliver legal aid services. The decisions made in the Legal Aid Modernization Project 2019 will have a profound impact on our clients who, as members of racialized and other marginalized groups, are over-represented among low-income Ontarians. LAO has said that it is guided by certain principles and aimed to "reduce the impact to particularly disadvantaged client groups" (e.g. Indigenous and racialized peoples). Therefore we urge the Ministry and LAO to keep these principles in mind when making decisions on the legal aid legislation.

We support the position and various recommendations put forward by CSALC, particularly the following foundational principles, which take into consideration additional barriers in accessing justice for the racialized clients we serve, due to linguistic and cultural barriers, and in some cases, their immigration status.

The principles that must guide the Modernization Project as proposed by CSALC are:

- **Accountability:** Clinic law services, offered by independent community clinics and governed by boards of directors, must be accountable to the communities we serve.
- **Equity and Inclusion:** The review of legal aid legislation should be guided by the values of equity and inclusion in its review. It should recognize that there is not a one-size-fits-all solution, and that the connection with client communities is what drives the work of legal clinics.
- **Community boards:** It should be the responsibility of clinic boards to determine the needs of their community and to ensure the delivery of clinic law services is in accordance with those needs.

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- **Flexibility:** The ability to offer a broad range of services to meet those needs, including systemic work such as law reform, community development, test cases and public legal education
- **Core and stable funding:** The provision of core and stable funding for legal clinics will ensure low income people's legal needs are met and their access to justice will not be affected by changing government priorities.

We join the call on Ministry and LAO to:

- Ensure that the fundamental principles of the clinic model are enshrined in the *Legal Aid Services Act*, and must remain enshrined in any future enabling statute.
- Reverse the cuts to Legal Aid as a first step to improving clinic law services in Ontario. This year's funding cuts have a significant impact on the services clinics can provide in every part of the province, and particularly to the communities whose clinics were disproportionately impacted.
- Recognize the ability of clinics to respond to community needs because clinics are rooted in the community and are governed by a community board. Clinics have the expertise to respond to changing needs of our low income clients and communities. Clinics are the bridge between communities served by our organization and the legal system; many of our organization's clients have no knowledge of legal aid or the legal system before contacting us and the clinics.
- Engage in discussions with clinics about ways to improve the clinic system, *after* the fundamental principles of the clinic model have been guaranteed and the framework for clinic law services has been enshrined in legislation. To engage in discussions of changes to the clinic system prior to receiving these guarantees would open the door for a significant restructuring of the clinic model or even the elimination of community clinics.

In light of the impact that changes to legal aid legislation will have on newcomers, asylum-seekers, low-income individuals, and other vulnerable groups that we serve, and the crucial role that legal aid plays in ensuring access to justice, an independent legal aid agency that is client-centred and for the people is needed to safeguard the rights of all, including the most marginalized.

Sincerely,



Moy Wong-Tam, Executive Director